1 The Honorable Robert J. Bryan 2 3 UNITED STATES DISTRICT COURT FOR THE 4 WESTERN DISTRICT OF WASHINGTON AT TACOMA 5 6 UNITED STATES OF AMERICA, NO. CR15-5351RBJ **Plaintiff** 7 **GOVERNMENT'S PROTECTIVE** NOTICE OF INTERLOCUTORY APPEAL v. 8 JAY MICHAUD, 9 Defendant. 10 11 Pursuant to Rule 4(b) of the Federal Rules of Appellate Procedure, to preserve the 12 government's appellate rights, notice is hereby given that, pursuant to 18 U.S.C. § 3731, the 13 United States of America appeals to the United States Court of Appeals for the Ninth Circuit 14 from the Order of the District Court orally announced on May 25, 2016, and reflected in the 15 16 subsequently filed written order of that date, granting the defense motion to compel and finding, 17 as a remedy for the refusal to comply that the evidence of the NIT, the search warrant issued on 18 the basis of that evidence and the fruits of that search should all be suppressed. 19 DATED this 23rd day of June, 2016. 20 21 Respectfully submitted, 22 ANNETTE L. HAYES **United States Attorney** 23 24 /s/ Helen J. Brunner HELEN J. BRUNNER 25 First Assistant United States Attorney 700 Stewart Street, Suite 5220 26 Seattle, WA 98101-1271 27 Telephone: (206) 553-5172 Fax: (206) 553-0755 28

CERTIFICATION OF THE UNITED STATES ATTORNEY Pursuant to 18 U.S.C. § 3731, I hereby certify that the appeal in the above-captioned case is not taken for purposes of delay and that the evidence suppressed or excluded by the order of the district court is a substantial proof of a fact material to this proceeding. Dated this 23 day of June, 2016. United States Attorney Western District of Washington 700 Stewart Street, Suite 5220 Seattle, Washington 98101 Telephone: (206) 553-7970

1 **CERTIFICATE OF SERVICE** 2 3 I hereby certify that on June 23, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing 4 5 to the attorney(s) of record for the defendant. 6 /s/ Jacqueline Masonic 7 JACQUELINE MASONIC Supervisory Legal Admin Specialist 8 United States Attorney's Office 9 700 Stewart Street, Suite 5220 Seattle, Washington 98101-1271 10 Phone: (206) 553-4644 11 (206) 553-0755 Fax: E-mail: Jackie.Masonic@usdoj.gov 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28